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ELECTION COMMISSION, INDIA NOTIFICATION

New Delhi, the 21st May 1957

S.R.O. 1726.—In pursuance of the provisions of sub-section (1) of section 80 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 346 of 1957, presented to the Commission on the 27th April, 1957 under section 81 of the said Act, by Shri Narayan Yashawant Nene, Pen, District Kolaba, Bombay State, calling in question the election to the House of the People from the Kolaba Parliamentary constituency of that House of Shri Rajaram Balkrishna Raut, Fana swadi, Bombay.

Received by Registered Post this the twentyseventh day of April, One Thousand Nine Hundred and Fifty Seven.

The 27th April, 1957.

DIN DAYAL, Under Secy.
Election Commission, India.

BEFORE THE ELECTION COMMISSION OF INDIA, AT NEW DELHI.

ELECTION PETITION NO. 346 OF 1957.

Narayan Yashawant Nene, Hindu, aged about 53 years, a social worker, residing at Pen, District Kolaba, Bombay State.—Petitioner.

Versus

Rajaram Balkrishna Raut, Hindu, aged about years, a landlord, residing at Fana swadi, Bombay, Bombay State.—Respondent.

The humble petitioner, the above-named petitioner, most respectfully sheweth:

1. That the Petitioner is an elector at Pen, District Kolaba, Bombay State.
2. That the Respondent is the returned candidate at the general election for one seat of the Lok Sabha from Kolaba Parliamentary Constituency of Bombay State.
3. That the Kolaba constituency is a single-member constituency.
4. That besides the Respondent, the other contesting candidate was Shri D. K. Kunte.
5. That Shri D. K. Kunte was the Congress candidate and the Respondent being a member of the Peasants and Workers Party, contested the election on the ticket of Samyukta Maharashtra Samiti.
6. That the polling took place on the 2nd, 6th and 11th March 1957, and votes were counted on 14th and 15th March 1957 and that the Respondent was declared to have been returned on the 15th March 1957.

7. That the Petitioner further avers that the Respondent, his authorised agents, and other persons acting with his consent committed various acts of corrupt practices such as bribery, undue influence, use of and appeal to the national symbols, systematic appeal to vote or refrain from voting on the ground of race, community etc., publication of false statements about the Congress candidate incurring and authorising of expenditure in contravention of Section 77 of the R.P. Act 1951, and obtaining or procuring, or abetting or attempting to obtain or procure substantial assistance from persons in the service of the Government.

8. That the Petitioner begs to give hereunder the necessary particulars of the corrupt practices as specified in Paragraph 7 above.

A. Instances of Bribery:—

(1) On or about the 5th March 1957, money was distributed by the Respondent or his authorised agents with his consent, to the electors in various villages and in particular to the electors in the villages of Kelaweli, Vachav, Vashi, Borze, Dighode, Veshvi, Churner, Gorthan, Kalmusare, Jul, Dadar, Joho, etc., as an inducement to the electors for voting in favour of the Respondent.

(2) On or about the 2nd March 1957, meals were given by the Respondent or his agents to the electors in Neral and surrounding villages, and mutton, jaggery, turbans and banians were given to the electors of the scheduled tribes in the villages surrounding Neral for inducing them to vote for the Respondent.

B. Instances of Undue Influence:—

(1) The Respondent and his workers created an atmosphere of terror in almost the whole constituency with the sinister purpose of making it impossible for the Congress candidate and his workers to move in the constituency and to hold meetings and of coercing the electors to refrain from voting for the Congress candidates and of forcing them to vote for the Respondent. For this purpose, he and his workers resorted to stone-throwing, assaulting, shouting, abusing, threatening the electors and the Congress Workers, and such other methods of violence.

(2) At Khopoli, the Respondent and his workers threatened the electors that as the ballot boxes would be opened, the shops and houses of the electors would be broken.

(3) On 2-2-1957, when the Congress candidate along with Shri A. P. Patil and B. H. Valekar, the Congress candidate for Bombay Assembly in this constituency, addressed a meeting at Khalapur, the agents and workers of the Respondent and an Assembly Candidate of his party shouted slogans and tried to disturb the meeting of Congress candidates and created an atmosphere of terror in that area.

(4) On 2-2-1957, when the Congress candidates tried to hold a meeting at chowk, Sarvashri Palande, Balkrishna Patil and other workers of the Respondent along with an Assembly candidate of his party prevented the people from attending the meeting with the result that under the pressure of threat to life and property, the people did not assemble at the meeting place. When the Congress candidates arrived at the meeting place, the persons mentioned above followed them with black flags, shouting, abusing and throwing stones, and surrounded their vehicle. They, then, threw stones at the candidates and their vehicles and made it impossible for them to hold a meeting. A continuous throwing of stones and jeering with shouts of "Traitors of Samyukta Maharashtra go away" and "Murderous Congressmen go away", was going on. Young boys who came to the spot were beaten and driven away. People were threatened not to attend the meeting. The result of all this was that the speech of Shri Kunte could not be heard in spite of the use of loud speaker and he was forced to close his speech and other Congress candidates were forced to return without making speeches.

(5) On 2-2-1957, when the Congress candidates tried to address a meeting at Karjat, Sarvashri Mahale, Arekar and other authorised agents of the Respondent created disturbances by shouting, abusing, and throwing stones, and as a result thereof Shri Kunte was forced to close his speech and the other Congress Candidates could not address the meeting.

(6) On 10-2-1957, Shri S. S. More, an ex-M.P. and a Congress leader tried to address a meeting in support of Congress candidates at Karjat. However, Sarvashri Arekar, Manohar Raut, a son of the Respondent, and other agents and

workers of the Respondent with the help of a large number of persons forced the meeting to be closed by shouting, abusing, stone-throwing and other means of violence.

(7) On 10-2-1957, when Shri S. S. More tried to address a meeting at Saigaoan, Sarvashri Palande, Balkrishna Patil and other workers of the Respondent threatened the people in the surrounding villages and prevented them from attending the meeting; and at the time of the meeting they created disturbances by shouting and abusing.

(8) On 19-2-1957, when Shri A. P. Patil along with Shri N. P. Thosar, a Congress leader tried to address a meeting at Jambrung, the workers and agents of the Respondent tried to disturb the meeting by shouting and abusing.

(9) On 21-2-1957, the workers and agents of the Respondent hurled stones at the vehicle of Shri A. P. Patil, at Khadas, and tried to intimidate the people.

(10) On 3-3-1957, the son of the Respondent along with others tried to prevent the public of Chowk from attending the meeting which was to be addressed by Shri Kunte in support of the Congress candidates. Vasant Raut, the son of the Respondent did this with the help and assistance of young boys of the town, carrying black flags and shouting threateningly at the people telling them not to attend the meeting of the "Murderers". After the meeting, when Sarvashri Kunte, Thosar and others were returning on foot, they were pelted with stones and jeered with shouts of "Traitors of Samyukta Maharashtra go away."

(11) In addition to the particular instances given above, several other meetings of the Congress candidates and their workers were disturbed by the workers and agents of the Respondent.

(12) In several villages and in particular in the villages of Vadhav, Kalve, Posir etc., the local leaders threatened the electors that he who would not vote for the Respondent and he who would vote for the Congress candidate would be excommunicated and fined.

(13) At Mahagaon, Vadhav and other villages, the son of the Respondent and his workers threatened the electors that if they would not vote for the Respondent; they would be done away with. They also threatened that those who would work for the Congress would be done away with. At Mahagaon, assault was made on the person and property of the Congress workers, both before and after the election.

(14) Respondent and his agents and workers published and affixed in almost all the villages and towns in the constituency, posters entitled "See this slaughterhouse in which Shri Morarji Desai and Shri S. K. Patil, the leaders of the Congress are shown to be beating the public, and Pandit Jawaharlal Nehru is shown to be offering the head of a man to a Goddess, with a big knife lying beside him, and on which a specific appeal is made to the electors to vote for the candidates of the Samyukta Maharashtra Samiti, with the sinister motive of gaining an undue influence over the minds of the electors so as to induce and force them to vote against the Congress and for the Respondent.

(15) Writings were written at almost all the places that, "a vote for Congress is a vote for firing" and that "remember and do not forget the 105 Martyrs and vote for the candidates of the Samiti", with a view to the unduly influencing the minds of the people.

(16) A continuous, systematic and emotional appeal was made to the electors by the Respondent and his agents and workers in the name of 105 persons killed in firing in Bombay and designated as "Martyrs" and thereby purposely degraded the Congress, its leaders and its candidates in the eyes of the electors and created anti-social atmosphere full of ill-feeling against the Congress.

C. Instances of systematic Appeal on grounds of Community:—

(1) For the furtherance of the prospects of his election, the Respondent, his agents, and other persons made a systematic appeal on the ground that Congress is an enemy of the whole community of Maharashtrians and that the Congress Candidates are the assassins of Maharashtra and Maharashtrians as a community, and therefore, a vote for them is a vote against Maharashtra and Maharashtrian Community and that a vote for Respondent is a vote for Maharashtra and Maharashtrian Community.

D. Instances of the use of and Appeal to the National Symbols:—

(1) The pictures of the bust of Shri Shivaji Maharaj were put on the same board on which the words "Vote for Samyukta Maharashtra Samiti" etc. were written. Votes were solicited by the Respondent and his workers in the name of Shri Chhatrapati Shivaji Maharaj.

E. Instances of false statements:—

(1) The respondent, his agents and other persons made and published statements of facts which were false and which they believed to be false and did not believe to be true, in respect of character, conduct and candidature of the Congress candidates, being statements reasonably calculated to prejudice the prospects of the election of the Congress candidates.

(a) That Shri D. K. Kunte and Shri A. P. Patil made a chaos of Khar land bunds (which is a very important problem in Pen Taluka and Uran Mahal, Panvel Taluka, Alibag Taluka, Murud Shrivardhan, Mhasla and Roha Talukas of the Constituency).

(b) That Shri Kunte and Shri Patil performed the 12th day and 13th day funeral rites of the Electrical Company. Several other statements are also made with a sinister motive of degrading Shri D. K. Kunte in the eyes of the electors.

(2) A continuous appeal was made by the Respondent and his workers that a vote to him is a vote for the formation of Samyukta Maharashtra with Bombay and that Respondent would bring about its formation by any means, even by bringing together the Heaven and the Hell.

F. Instances of Unlawful Expenditure:—

(1) The Petitioner has grounds to believe that the Respondent has exceeded the permissible limits of expenditure by not less than Rs. 20,000/- He has incurred and authorised expenditure in contravention of section 77 of the R.P. Act 1951.

The Petitioner prays that he should be allowed to submit further particulars in this respect subsequently.

G. Instances of Procuring Assistance of Government servants:—

(1) The Respondent, his authorised agents and other persons interested in them obtained and procured and abetted and attempted to obtain and procure assistance for the furtherance of the prospects of the election of the Respondent, from persons in the service of the Government belonging to various classes and in particular from:—

(a) Primary Teachers at Kalambs, Khandas, Donwat, Dadar, Pabal, Kane, etc.

(b) The Headmaster of the Primary School at Hashivre presided over a meeting held to canvass votes for the candidates of the Samiti the Respondent being one of them.

(c) Police-Patils of Kane Borse, etc.

(2) The Respondent has taken assistance in this respect from Shri G. S. Katkari who was and is a primary teacher under the District School Board, Kolaba.

9. That the Petitioner respectfully submits that all these corrupt practices have made the election of the Respondent void.

10. That without prejudice to the above contentions, the Petitioner begs to aver that due to the above corrupt practices the result of the election has been materially attended to the disadvantage of the Congress candidates.

11. That the Petitioner, therefore, prays:—

(a) That the election of the Respondent to be declared to be void.

(b) That the Respondent may be ordered to pay to the Petitioner the cost of this Petition.

(c) That any other orders that may be deemed just and proper may be passed.

12. That the Petitioner has enclosed herewith a Government treasury Receipt showing that the deposit of Rs. 1,000/- made by him in the Reserve Bank of India, Bombay in favour of the Secretary to the Election Commission as a Security to the costs of this petition.

And for this act of kindness, the Petitioner as in duty bound shall ever pray.

(Sd.) NARAYAN YASHAWANT NENE,
Petitioner.

I, Narayan Yashwant Nene, Hindu, aged about 53 years, a social worker, residing at Pen, District Kolaba, Bombay State do hereby solemnly affirm, that the contents of the above paragraphs 1 to 10 and 12 are true to my knowledge, belief and information.

Solemnly affirmed at Bombay, this 26th day of April, 1957.

(Sd.) NARAYAN YASHAWANT NENE,
Petitioner.

[No. 82/346/57].

By order,
DIN DAYAL, Under Secy.

